

MINUTES
TIGARD CITY COUNCIL BUSINESS MEETING
March 26, 2002

• **STUDY SESSION**

- Meeting was called to order at 6:32 p.m.
- Council Present: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla

> **CITY ATTORNEY REVIEW**

City Manager Monahan introduced this item. City Attorney Ramis overviewed the activity of the City Attorney's office last year. He noted they placed emphasis on attorney availability and responsiveness. Mr. Ramis also commented on the value of preventative law to avoid litigation. The attorneys recognize they are not the policymakers, but strive to be available to staff to determine options available and how to best implement policy.

Mr. Ramis distributed and reviewed information concerning the annual billings to the City of Tigard as well as a comparison of legal service costs for other Oregon cities. This information is on file in the City Recorder's office.

Council discussion followed. It was noted Tigard staff save on legal costs by first developing a draft product, which is then reviewed by the attorneys. Communication between the staff and attorney office is good.

City Manager Monahan advised there might be some additional legal expenses with added juvenile court cases and also expenses if the library bond passes.

Council members complimented Mr. Ramis and the law firm for their professional demeanor, openness, and acceptance of pursuing new ideas.

The next City Attorney review will be in October 2003.

> **UPDATE ON THE PROPOSED LOCAL OPTION LEVY FOR
WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS)**

Library Director Barnes and Finance Director Prosser reviewed this agenda item. They shared the concerns expressed by the Tigard City Council about the amount of the proposed levy. Other cities expressed similar concerns. The original proposal was for \$50 million for five years. The current major topic of discussion with regard to the WCCLS levy is the manner in which the

distribution of funds is calculated. The formula model is being refigured; additional work is needed. Once the WCCLS proposal goes to the County, additional dollars will be added to fund the Regional Arts and Culture Council.

In response to a question from Mayor Griffith, Mr. Prosser advised that the City of Tigard produces more revenue from its taxpayers than what the Tigard Library receives back. However, Tigard also gets support from WCCLS central services.

Discussion followed on the service formula. Council members also noted concern about the addition of the Regional Arts and Culture Council funding to the library levy amount. The plan is for the County to take action on forwarding the proposed levy amount to voters, and then the Council can give input either formally or informally. The preference for Tigard Council would be to give input before the County has approved the ballot measure.

> **PORTLAND POLICE DATA SYSTEM (PPDS) RENEWAL OF INTERGOVERNMENTAL AGREEMENT**

Chief of Police Ron Goodpaster reviewed this agenda item. Tigard has been participating in this system since 1997 and the cost was \$1,400 per month; the new agreement is for \$2,400 per month. Since the start of the program, use has increased dramatically and upgrades have been installed. All surrounding jurisdictions, with the exception of Clackamas and Washington Counties (Sheriff offices) participate, which adds to the value of the information collected and shared.

After discussion, Council consensus was to support continued use of PPDS. This item will be before Council for formal approval at the April 23, 2002, Council meeting.

> **SELECT CITY MANAGER REVIEW FORMAT**

Council discussed this agenda item. Council agreed to use the same format as last year. Councilor Moore suggested that Council set goals for the Manager this year.

Council Study Session recessed: 7:28 p.m.

- **EXECUTIVE SESSION:** Canceled

1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
Mayor Griffith called the meeting to order at 7:35 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Moore, Patton, and Scheckla
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

> SPECIAL RECOGNITION: TIGARD HIGH SCHOOL BOYS BASKETBALL TEAM
2002 STATE CHAMPIONS

Several Tigard High School Basketball Team members were present to receive congratulations from the City Council on behalf of the City of Tigard for winning the 2002 State Championship.

Motion by Councilor Scheckla, seconded by Councilor Patton, to adopt resolution No. 02-19.

RESOLUTION NO. 02-19 – A RESOLUTION CONGRATULATING THE
TIGARD HIGH SCHOOL BOYS BASKETBALL TEAM AS 2002 STATE
CHAMPIONS

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

2. VISITOR'S AGENDA

- Mr. Marvin Diamond presented information in support of the library bond measure on the May Ballot (Measure 34-47). He also announced the upcoming "Night of Jazz," (April 5) which is being held to promote support for the measure.
- Mr. Jim Kilbaugh, 11620 SW Gallo, Tigard, advised he was representing neighbors who would oppose a cell tower that might be placed in their neighborhood. City Attorney Ramis advised that, since this is a matter that could be reviewed by Council (if appealed), the Council should not receive testimony at this time. Arguments can be brought forward during the appeal hearing.

3. **CONSENT AGENDA:** Motion by Councilor Moore, seconded by Councilor Patton, to approve the Consent Agenda as follows:

- 3.1 Approve Council Minutes for January 22, 2002
- 3.2 Adopt a Resolution Initiating Vacation Proceedings to Vacate a Portion of Public Right-of-way on SW 68th Parkway at the intersection of SW Atlanta Street (VAC2002-00001) – Resolution No. 02 - 20
- 3.3 Approve Budget Amendment #8 to the Fiscal Year 2001-02 Budget to Appropriate a \$16,200 Oregon State Library Grant for the Hispanic Youth Initiative – Resolution No. 02 - 21
- 3.4 Approve Budget Amendment #9 to the Fiscal Year 2001-02 Budget to Add the Wall Street Project to the Approved Capital Improvement Program – Resolution No. 02 - 22
- 3.5 Adopt a Resolution Accepting an Additional \$390,000 in Priorities 2002 Federal Funding for the Greenburg Road Project – Resolution No. 02 - 23
- 3.6 Local Contract Review Board
 - a. Award the Contract for the Base Bid and Bid Alternate 1B for the Cook Park Master Plan Expansion Phase II Construction to Robert Gray Partners
 - b. Award the Contract for the Construction of Fiscal Year 2001-02 Sewer Rehabilitation Program to Gelco Services, Inc.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

4. **PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTERS 18.775 AND 18.797 OF THE TIGARD MUNICIPAL CODE AND VOLUME II, SECTION 4 OF THE TIGARD COMPREHENSIVE PLAN PERTAINING TO SENSITIVE LANDS AND WATER RESOURCES**

- a. Mayor Griffith opened the public hearing.
- b. Associate Planner Duane Roberts presented the staff report, which is on file in the City Recorder's office.

City Attorney Ramis, in response to a question from Councilor Scheckla regarding concerns about potential impacts of Measure 7, advised that two items are in the proposed ordinance to protect the City of Tigard:

1. The provisions of the ordinance are required by Metro.
2. The ordinance allows the City to grant a waiver in the event of a future Measure 7 claim.

c. Public Testimony

- Margaret Finley, 11260 SW Gaarde, Tigard, inquired about the meaning of the term “restoration”? Mr. Roberts said it meant to “restore to a good condition” as defined by Clean Waters Services. Ms. Finley also inquired about variances and an area of her property that provides drainage. Mr. Roberts advised that requirements do not apply to existing development. Mr. Roberts also said that the rules encourage plantings, such as trees. Title 3 information can be obtained from staff members at the City’s Community Development Counter at City Hall. Maps are available to determine how an individual property is affected.

d. Mayor Griffith closed the public hearing.

e. Staff recommended approval of the proposed ordinance.

f. Motion by Councilor Scheckla, seconded by Councilor Patton, to adopt Ordinance No. 02-15.

ORDINANCE NO. 02-15 – AN ORDINANCE AMENDING CHAPTERS 18.775 AND 18.797 OF THE TIGARD MUNICIPAL CODE AND VOLUME II, SECTION 4 OF THE TIGARD COMPREHENSIVE PLAN

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

5. **CONSIDER AN INTERGOVERNMENTAL AGREEMENT REGARDING THE DURHAM QUARRY SITE**

City Manager Monahan presented the staff report, which is on file in the City Recorder's office. Also present was Larry Eisenberg from Washington County and Bruce Woods of OPUS (member of the project development team).

Mr. Woods gave a presentation of the current plans for developing the site, which will be known as "Bridgeport Village." The development will consist of retail and office space and is characterized as a "lifestyle center." Full buildout will offer 800,000 square feet of commercial/office space, with over 500,000 square feet to be developed in the first phase. The nearby transit "park and ride" will be doubled in size. Mr. Woods reviewed the current problems with traffic and the proposed reconfiguration of traffic patterns and freeway accesses, which should raise the rating of the intersections from a level "F" to a "B" or "C." It is anticipated that the first phase will open the spring of 2004. Mr. Woods also presented picture boards illustrating samples of the building architecture.

Motion by Councilor Moore, seconded by Councilor Patton, to approve the proposed intergovernmental agreement between the City of Tigard, City of Tualatin and Washington County regarding the Durham Quarry site and authorize the Mayor to sign the agreement.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

6. **CONSIDER AN ORDINANCE SPREADING THE ASSESSMENTS AMONG THE BENEFITED PROPERTY OWNERS IN THE 69TH AVENUE LOCAL IMPROVEMENT DISTRICT**

City Engineer Duenas presented the staff report, which is on file with the City Recorder.

Motion by Councilor Moore, seconded by Councilor Scheckla, to adopt Ordinance No. 02-16.

ORDINANCE NO 02-16 – AN ORDINANCE APPROVING THE FINAL ASSESSMENT FOR THE 69TH AVENUE LOCAL IMPROVEMENT DISTRICT AND SPREADING THE ASSESSMENT AMONG BENEFITED PROPERTY OWNERS.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

7. ENGINEERING DEPARTMENT OVERVIEW

City Engineer Duenas presented the staff report and a PowerPoint slide show to the Council that highlighted the responsibilities and accomplishments of the Department over the last year. A copy of the staff report and presentation are on file in the City Recorder's office.

8. CONSIDER A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.5 FOR THREE NON-PROFIT, LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH)

Finance Director Prosser presented the staff report, which is on file in the City Recorder's office. Approximate value for the tax income to the City from the Washington Square property, when built, would be about \$9-10,000 per year. City Manager Monahan advised that the exemption request is made by CPAH on an annual basis, which gives the City and CPAH an opportunity to address any issues that may have occurred. It was noted there were problems in the past at one of the CPAH projects, but through community policing activities those issues appear to be resolved. CPAH also has made efforts over the last year to keep the City informed of their activities. Finance Director Prosser confirmed that there was a past-due water bill owed by Greenburg Oaks, which is on a payment plan and they are meeting the terms of the plan.

Motion by Councilor Dirksen, seconded by Councilor Patton, to adopt Resolution No. 02-24.

RESOLUTION NO. 02-24 – A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Patton	-	Yes
Councilor Scheckla	-	Yes

9. COUNCIL LIAISON REPORTS: None.

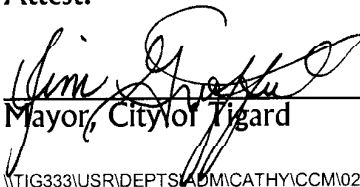
10. NON AGENDA ITEMS

- Mayor Griffith referred to a March 26, 2002, memorandum from Barbara Shields, Long Range Planning Manager to the Mayor and Council regarding the Washington Square Regional Center/Density Requirements – Metro's Authority to Ensure Compliance with the Functional Plan. A complaint was received from Mr. Bob Ward who contended that Metro does not have the legal authority to designate density requirements. Metro was contacted and provided an explanation of density requirements, which is attached to the above-referenced memorandum. Mayor Griffith advised he would pass this information along to Mr. Ward, so he can review and pursue the matter with Metro if he wishes.

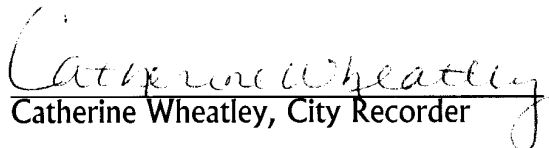
11. EXECUTIVE SESSION: Canceled.

12. ADJOURNMENT: 9:27 p.m.

Attest:



Mayor, City of Tigard 5.14.02



Catherine Wheatley, City Recorder

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